

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WAYNE NEAL REMENY,)
)
Plaintiff,)
)
v.) Case No. 3:07-0367
) Judge Echols
JOHN SWOR and EDWARD)
ESCAMILLA,)
)
Defendants.)

ORDER

This is a 42 U.S.C. § 1983 action alleging unspecified constitutional violations resulting from the entry of police officers into Plaintiff's home to effectuate his arrest. Pending before the Court is a Report and Recommendation ("R & R") (Docket Entry No. 44) from the Magistrate Judge which recommends granting Defendants' unopposed Motions For Summary Judgment (Docket Entry Nos. 34 and 40). Plaintiff has not objected to the R & R, even though he was specifically advised that any objections needed to be filed within 10 days of service of the R & R (Docket Entry No. 44 at 7-8).

Where, as here, no objections are made to the R & R, "[t]he district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." Fed.R.Civ.P. 72(b).

This Court has reviewed the entire file in this case and finds the Magistrate Judge properly applied the law to the facts presented. Specifically, the record shows that the Defendant police officers lawfully entered Plaintiff's home pursuant to a valid arrest warrant after Plaintiff stated that he would not allow officers into his home. Further, the record shows that the officers utilized

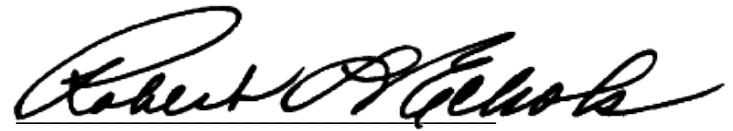
reasonable force to subdue Plaintiff who refused to grant them entry into his home and then fled to another part of his residence.

Accordingly, the Court rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 44) is hereby ACCEPTED and APPROVED;
- (2) The Motion for Summary Judgment filed by Defendant John R. Swor, Jr. (Docket Entry No. 34) is hereby GRANTED;
- (3) The Motion for Summary Judgment filed by Defendant Edward Escamilla (Docket Entry No. 40) is hereby GRANTED; and
- (4) This action is hereby DISMISSED WITH PREJUDICE.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE